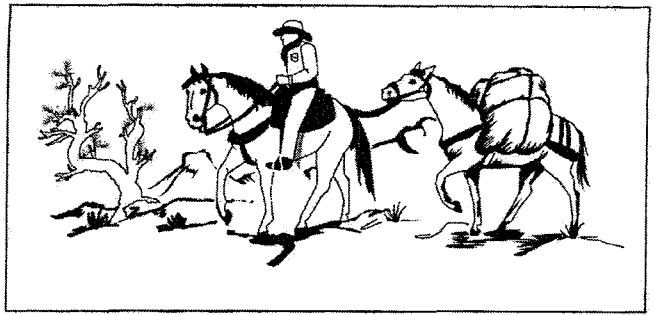


Back Country Horsemen of America



PO Box 1367

Graham WA 98338-1367

360-832-2461 FAX 360-832-2471 Toll Free 1-888-893-5161 www.backcountryhorse.com

November 14, 2011

*Also sent to:
Honorable Rob Bishop
Doc Hastings
Committee on Natural Resources
House of Representatives*

The Honorable Edward Markey
2108 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Markey,

On behalf of Back Country Horsemen of America and the thousands of Americans we represent, we are writing to urge you to oppose H.R. 1505, the National Security and Federal Lands Protection Act. This bill is unnecessary and an extreme overreach of federal power. It would provide the Department of Homeland Security (DHS) with unfettered access and control over the public lands owned by all Americans and exempt DHS from dozens of laws intended to protect public health and the environment.

Back Country Horsemen are dependent on our public lands for our recreational pursuits -- which vary from a two or three hour ride on a developed trail to an extended multi-day trip into large backcountry or Wilderness areas. Consistent with our mission of preserving access to our public lands, Back Country Horsemen members have volunteered countless hours toward the stewardship of our public land resources -- over 300 thousand hours, valued at nearly \$12 million, in 2010 alone. In addition to riding and packing our horses and mules, our members enjoy hunting, angling, camping, sightseeing, and enjoying the natural or natural appearing environments that our public lands provide.

H.R. 1505 would exempt DHS from complying with more than 30 laws within 100 miles of any border, land or sea. These laws provide assurance that the variety of recreation settings, cultural and historic features, fish and wildlife species, and healthy environments necessary to provide a quality recreation experience will be preserved and protected for our current and future enjoyment. And because the bill waives the National Environmental Policy Act, roads could be built, towers could be constructed and

checkpoint stations can be erected without any notice to the public whatsoever, let alone any environmental review.

The Department of Homeland Security would be given “immediate access” to any federal land, regardless of proximity to the border and regardless of protected status, for “activities that assist in securing the border.” The term “activities that assist in securing the border” is undefined, but, based on past history, covered activities would include at least road and fence construction, vehicle patrol, motorized access to authorized and non-authorized roads, over flights, off road vehicle use, and lighting. These activities would alter and diminish attributes of our backcountry and Wilderness that make our public lands experience desirable to equestrians and many other recreationists – attributes that are generally not available except on our public lands. It would also mean that DHS would have the power to close off recreation areas, override grazing permits, ignore applications to develop energy and other resources, and cause damage to healthy ecosystems and our irreplaceable historic sites without being held accountable.

H.R. 1505 is so destructive that no amendments can improve it. The bill is extreme and unnecessary and we urge you to oppose it and any similar pieces of legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. McGlenn". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Michael K. McGlenn

Chairman BCHA



THE
WILDERNESS
SOCIETY



**BACK COUNTRY HORSEMEN
OF AMERICA**

November 7, 2011

Honorable Mike Simpson, Chair
Subcommittee on Interior, Environment, and Related Agencies
H-307 Capital
Washington, D.C. 20515

Honorable James Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
1016 Longworth House Office Building
Washington, D.C. 20515

Honorable Cynthia Lummis
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Simpson, Ranking Member Moran, and Representative Lummis,

We are writing to request your assistance in addressing the serious decline in the condition of national forest trails that threatens access to America's public lands. Specifically, we would like you to request that the Government Accountability Office (GAO) study the maintenance situation on national forest trails so that we may design a solution that ensures reliable, high-quality trail access for forest visitors, including in Wilderness and backcountry areas.

Before there were roads and motor vehicles to use them, America traveled over a system of trails -- sometimes by horse and wagon and, in the more remote areas, by saddle and pack horse (or mule) or on foot. One of the first tasks of early Forest Rangers was to construct the trail system necessary to access and protect America's forest reserves. The majority of that system was in place by the 1950s. With the increased use of airplanes and helicopters (beginning in the 1940s and early 1950s) for administrative access to our public lands, the need for a trail system for forest protection has declined. ***The trail system, however, is still the only means of access for the millions of Americans who wish to enjoy our Wilderness and backcountry.***

In the 1980s, the GAO investigated the unmet maintenance and reconstruction backlog on the national forest trail system (GAO.RCED-89-182). In requesting the review, House Subcommittee Chair Bruce Vento expressed concern that *"deferred trail maintenance was resulting in decreased recreational opportunities, resource damage, and loss of major capital investments."* The report found that national

forest trails had a nearly \$200 million maintenance backlog that threatened to cause significant resource damage and had rendered over 5000 miles of trails unusable to the public.

Since the time of the last GAO study, the national forest trail system has increased in mileage by 50% and public use has increased significantly. The maintenance backlog has increased as well: in 2009, the cost of resolving the backlog had grown to \$550,828,965. The sad reality is that the overall condition of the Forest Service trail system has been in decline for more than half a century. The loss of major capital investments by the American people that Chairman Vento spoke of in the 1980s continues to be a huge concern. The cost of re-constructing or replacing the degraded trail system will be considerably greater than that of maintaining the current system.

At current funding levels, the Forest Service will manage to standard just 21% of the 150,000+ miles in the national forest trail system. Over 120,000 miles of national forest trails will not be maintained to an adequate standard. A large portion of the trail system receives very little or no maintenance, threatening access to vast swaths of public land.

Changes in the forest landscape are only making the problems worse. Wildfires and insect and disease mortality are adding to the backlog daily. At present, millions of acres of lodgepole pine in the Rockies stand dead as the result of the mountain pine beetle, and in some eastern states, hemlock has been devastated by the hemlock wooly adelgid. Within a few years, these woody skeletons will be falling over our trails like pick-up sticks. The significant increase in the number and size of wildfires in the west, combined with increasingly severe storm events is wreaking havoc on our trails. The dead trees from fire and insects will accumulate for 15 to 20 years.

Data in that 1989 GAO report can serve as a 'benchmark' from which to determine how the situation has worsened in recent years. Back Country Horsemen of America and The Wilderness Society request a follow-up GAO report to look at the status of the maintenance backlog. Some of the issues that we suggest GAO consider including are:

- What is the extent of the trail maintenance backlog on national forest land and how does this backlog compare to the backlog that existed at the time of the last GAO study in the 1980s?
- What opportunities exist to increase the effectiveness of national forest trail maintenance activities?
- How can volunteer resources be used more efficiently to maintain national forest trails and are limitations restricting the effectiveness and utilization of volunteers?
- What sources of federal and non-federal funding have been or can be used to maintain national forest trails?
- In which geographic regions is the trail maintenance backlog most severe, and what are the impacts to the public of this backlog?

Back Country Horsemen of America and The Wilderness Society have partnered to further our common interest in preserving, and preserving access to, wilderness and other public lands. We recognize the challenge of funding an adequate trail management program with existing tax dollars and stand ready to assist the agency identify other means to address the backlog. The first step in accomplishing that challenge is creating an awareness of the extent of, and factors contributing to, the problem.

BCHA/TWS trails request

November 2, 2011

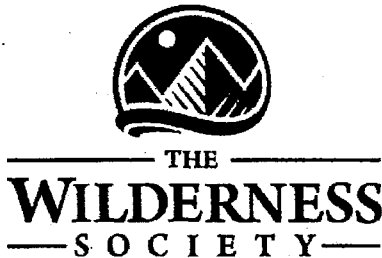
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Loss of our trail system is more than a 'quality of life' issue. In addition to connecting America with its public lands, the trail system connects America with its history – with Lewis and Clark, Jim Bridger, and the hundreds of thousands of emigrants who pushed west over the Oregon Trail, Lander Trail, Mormon-Pioneer Trail and others. When recreationists *take* to the trails they are re-living that history and re-committing to responsible stewardship of our public lands.

Paul Spitler
Senior Regional Conservation Representative
The Wilderness Society

A handwritten signature in black ink, appearing to read "Michael K. McGlenn". The signature is fluid and cursive, written over a white background.

Michael K. McGlenn
Chairman
Back Country Horsemen of America



BACK COUNTRY
HORSEMEN OF
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July 25, 2011

Superintendent Karen F. Taylor-Goodrich
Sequoia and Kings Canyon National Parks
Attn: Wilderness Stewardship Plan
47050 Generals Highway
Three Rivers, CA 83271

Dear Superintendent Taylor-Goodrich,

The following comments are submitted jointly on behalf of the Backcountry Horsemen of America and The Wilderness Society. Representatives from our organizations have come together with the goal of pursuing a plan of action to ***“insure that traditional, historical, and responsible pack and saddle stock use in Wilderness Areas is recognized, protected, supported and sustained consistent with the capabilities of the land.”*** Both of our organizations are committed to the long-term sustainable management of Wilderness lands in a way that ensures compatible recreational uses are allowed to occur while preserving wilderness character.

Management and maintenance of trails is important to facilitate the enjoyment of Wilderness by the public, both for stock and other compatible uses. Ensuring that these lands are able to be enjoyed by the public is important, and we believe the National Park Service should do what it can, consistent with the Wilderness Act, to maintain trails. The use of traditional tools and primitive means should be the first alternative when it comes to trail maintenance. However, at times, the minimum requirement might include the limited use of mechanized equipment. ***“Responsibly-maintained trails”*** in special cases may include the use of motorized equipment when it is appropriate and/or necessary to accomplish the purposes of the Act, including assuring that these areas are ***“administered for the use and enjoyment of the American people.”*** (Section 2a, P.L. 88-577) Congress, in House Report 95-540, which accompanied the Endangered American Wilderness Act of 1978, provided guidance as to ***“how the Wilderness Act should now be interpreted as it relates to certain uses and activities.”*** Of special note is the guidance it provided for ***“Trails, Bridges, Trail Signs – Trails, trail signs, and necessary bridges are all permissible when designed in keeping with the wilderness concept. These are often important to the recreational access and use of a wilderness area. Trail construction or maintenance can include the use of mechanical equipment where appropriate and/or necessary.”*** Both the statutory language and your written policy permit a reasonable interpretation that motorized equipment is ***“appropriate and/or necessary”*** under certain circumstances to provide for the ***“use and enjoyment of the American people”*** (S2, P.L. 88-577).

The National Park Service should not look to the use of mechanized equipment in Wilderness as a common method of maintaining trails, and should always follow the minimum viable tool standard


when it comes to wilderness management. As stated in NPS Wilderness Management Policy 6.3.5, we would expect that use of mechanized equipment would be "determined by the superintendent to be the minimum requirement needed by management to achieve the purposes of the area, including the preservation of wilderness character and values, in accordance with the Wilderness Act." The wilderness stewardship plan should provide clarification as to when, specifically, mechanized equipment will be authorized. Our point here is to suggest there may very well be circumstances where the minimum requirement to complete the job justifiably involves motorized or mechanized use, and that such use is permissible, so long as it is the minimum tool to accomplish the purposes established in the law. These purposes, of course, include administering the area "for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness."

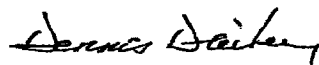
Enjoyment of the wilderness areas for horseback riding and packing has been a historical and traditional pursuit within the Sequoia and Kings Canyon National Parks since the 1800s. These experiences were inherent social attributes of the "wilderness character" that existed when Congress determined that the areas qualified as wilderness. The example of "wilderness character" that Senator Hubert Humphrey used in his speech introducing the first wilderness bill was a social attribute – hunting; "Rather than being concerned with any special use or user, this bill relates instead to the character of the areas involved. Hunting, for example, although it is not mentioned in the bill, will continue to be a major recreation within many national forest units of the System and will be prohibited in national parks." It was clear that Congress intended that existing compatible uses be preserved where they existed at the time of designation. He went on to emphasize that "the central concept of this measure, I repeat, is that our present areas of wilderness can be preserved within the existing land-management pattern if the preservation purpose is made a matter of fundamental policy."

In preparing your Wilderness Stewardship Plan, one of the guiding principles should be that horseback riding, packing and hiking are primitive, non-motorized, non-mechanized forms of travel that are appropriate uses of Wilderness Areas in accordance with the purposes and provisions of The Wilderness Act. The plan should ensure that adequate access, appropriate trailhead facilities, reasonable grazing practices for pack and saddle stock that ensure the sustainability of subalpine and alpine vegetation, and responsibly-maintained trails are managed for appropriate recreational uses including pack and saddle stock consistent with the Wilderness Act. It is also important that the ability designated National Park wilderness within SEKI to facilitate such use is not overburdened, and the Park Service should consider how it will ensure historical recreational uses are allowed to continue while simultaneously ensuring protection of wilderness resources within designated Park wilderness.

We appreciate the opportunity to provide comment and look forward to engaging with you in the development of the wilderness stewardship plan for the iconic wilderness of SEKI Parks. Both Back Country Horsemen of America and The Wilderness Society stand ready to assist you in your planning effort.

Sincerely,


BART KOEHLER
SENIOR REGIONAL CONSERVATION REP.
THE WILDERNESS SOCIETY'S
WILDERNESS SUPPORT CENTER


Dennis Dailey, Senior Advisor
Wilderness, Recreation & Trails
Back Country Horsemen of America